United Nations S/RES/1409 (2002)

Security Council

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Resolution 1409 (2002)

Adopted by the Security Council at its 4531st meeting, on 14 May 2002

The Security Council,

Recalling its previous relevant resolutions, including resolutions 986 (1995) of 14 April 1995, 1284 (1999) of 17 December 1999, 1352 (2001) of 1 June 2001, 1360 (2001) of 3 July 2001, and 1382 (2001) of 29 November 2001, as they relate to the improvement of the humanitarian programme for Iraq,

Convinced of the need as a temporary measure to continue to provide for the civilian needs of the Iraqi people until the fulfilment by the Government of Iraq of the relevant resolutions, including notably resolutions 687 (1991) of 3 April 1991 and 1284 (1999), allows the Council to take further action with regard to the prohibitions referred to in resolution 661 (1990) of 6 August 1990 in accordance with the provisions of these resolutions,

Recalling its decision in resolution 1382 (2001) to adopt the proposed Goods Review List and procedures for its application annexed to resolution 1382 (2001), subject to any refinements to them agreed by the Council in light of further consultations, for implementation beginning on 30 May 2002,

Determined to improve the humanitarian situation in Iraq,

Reaffirming the commitment of all Member States to the sovereignty and territorial integrity of Iraq,

Acting under Chapter VII of the Charter of the United Nations,

1. *Decides* that the provisions of resolution 986 (1995), except those contained in paragraphs 4, 11 and 12, and the provisions of paragraphs 2, 3 and 5 to 13 of resolution 1360 (2001), and subject to paragraph 15 of resolution 1284 (1999) and the other provisions of this present resolution, shall remain in force for a new period of 180 days beginning at 0001 hours, Eastern Daylight Time, on 30 May 2002;

2. *Decides* to adopt the revised Goods Review List (S/2002/515) and the revised attached procedures for its application for implementation beginning at 0001 hours, Eastern Daylight Time, on 30 May 2002 as a basis for the humanitarian

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programme in Iraq as referred to in resolution 986 (1995) and other relevant resolutions;

3. *Authorizes* States, beginning at 0001 hours, Eastern Daylight Time, on 30 May 2002, to permit, notwithstanding the provisions of paragraph 3 of resolution 661 (1990) and subject to the procedures for the application of the Goods Review List (S/2002/515), the sale or supply of any commodities or products other than commodities or products referred to in paragraph 24 of resolution 687 (1991) as it relates to military commodities and products, or military-related commodities or products covered by the Goods Review List (S/2002/515) pursuant to paragraph 24 of resolution 687 (1991) whose sale or supply to Iraq has not been approved by the Committee established pursuant to resolution 661 (1990);

4. *Decides* that, beginning at 0001 hours, Eastern Daylight Time, on 30 May 2002, the funds in the escrow account established pursuant to paragraph 7 of resolution 986 (1995) may also be used to finance the sale or supply to Iraq of those commodities or products that are authorized for sale or supply to Iraq under paragraph 3 above, provided that the conditions of paragraph 8 (a) of resolution 986 (1995) are met;

5. *Decides* to conduct regularly thorough reviews of the Goods Review List and the procedures for its implementation and to consider any necessary adjustment and further decides that the first such review and consideration of necessary adjustment shall be conducted prior to the end of the 180-day period established pursuant to paragraph 1 above;

6. *Decides* that, for the purposes of this resolution, references in resolution 1360 (2001) to the 150-day period established by that resolution shall be interpreted to refer to the 180-day period established pursuant to paragraph 1 above;

7. *Requests* that the Secretary-General and the Committee established pursuant to resolution 661 (1990) submit at least two weeks prior to the end of the 180-day period the reports referred to in paragraphs 5 and 6 of resolution 1360 (2001);

8. *Requests* the Secretary-General, in consultation with interested parties, to submit an assessment report on the implementation of the Goods Review List and its procedures by the end of the next period of implementation of resolution 986 (1995) beginning on 30 May 2002 and to include in the report recommendations on any necessary revision of the Goods Review List and its procedures, including the processing of contracts under paragraph 20 of resolution 687 (1991) and the utility of the Distribution Plan as referred to in paragraph 8 (a) (ii) of resolution 986 (1995);

9. *Decides* to remain seized of the matter.

Procedures

1 – The following procedures replace paragraphs 29 to 34 of document S/1996/636* and other existing procedures, notably for the implementation of the relevant provisions of paragraphs 17, 18 and 25 of resolution 1284 (1999) related to the processing of applications to be financed from the escrow account established pursuant to paragraph 7 of resolution 986 (1995).

2 – Each application (the "Notification or Request to Ship Goods to Iraq," as attached to these procedures, hereafter referred to as "the application,") for the sale or supply of commodities or products, to include services ancillary to the supply of such commodities and products, to Iraq to be financed from the escrow account established pursuant to paragraph 7 of resolution 986 (1995) must be forwarded to the Office of the Iraq Programme (OIP) by the exporting States through permanent or observer Missions, or by United Nations agencies and programmes. Each application should include complete technical specifications, as requested in the standard application form, concluded arrangements (e.g., contracts), and other relevant information, including, if known, whether the application contains any item(s) covered by the Goods Review List (GRL), in order for a determination to be made on whether the application contains any item referred to in paragraph 24 of resolution 687 (1991) as it relates to military commodities and products, or military-related commodities or products covered by the GRL.

3 – Each application will be reviewed and registered by OIP within 10 working days. In the case of a technically incomplete application, OIP may request additional information before transmitting the application to the United Nations Monitoring, Verification and Inspection Commission (UNMOVIC) and the International Atomic Energy Agency (IAEA). If OIP determines that the requested information is not provided within 90 days, the application will be considered supplier-inactive and no further action on the application will be taken until the information is provided. If the requested information is not received within a further 90 days, the application will lapse. OIP should notify the submitting Mission or United Nations agency in writing of any change in the status of the application. The OIP will identify an official to act as a contact point on each application.

4 – After OIP registration of the application, each application will be evaluated by technical experts from UNMOVIC and IAEA in order to determine whether the application contains any item referred to in paragraph 24 of resolution 687 (1991) as it relates to military commodities and products, or military-related commodities or products covered by the GRL ("GRL item(s)"). At their discretion and subject to the approval of the 661 Committee, UNMOVIC and IAEA may issue guidance regarding what categories of applications do not contain any item(s) covered by paragraph 24 of resolution 687 (1991) as it relates to military commodities and products, or military-related commodities or products covered by the GRL. UNMOVIC, IAEA and OIP, working in consultation, may develop a procedure whereby OIP may evaluate and approve applications that, based on this guidance, fall within these categories.

5 – Military goods and services are prohibited for sale or supply to Iraq under paragraph 24 of resolution 687 (1991) and are not subject to review under the GRL. For consideration of dual-use goods and services referred to in paragraph 24 of resolution 687 (1991), UNMOVIC and IAEA should process these goods and services pursuant to paragraph 9 of these procedures.

6 – Upon receipt of a registered application from OIP, UNMOVIC and/or IAEA will have 10 working days to evaluate an application as set forth in paragraphs 4 and 5. Absent action by UNMOVIC and/or IAEA within the 10-working-day period, the application will be considered approved. In the course of conducting the technical evaluation as set out in paragraphs 4 and 5 above, UNMOVIC and/or IAEA may request additional information from the submitting Mission or United Nations agency. The submitting Mission or United Nations agency should provide the additional information requested within a period of 90 days. Once UNMOVIC and/or IAEA receive the requested information, UNMOVIC and/or IAEA will have 10 working days to evaluate the application under the procedure set forth in paragraphs 4 and 5.

7 – If UNMOVIC and/or IAEA determine that the submitting Mission or United Nations agency has not provided the requested additional information within the 90-day period set out in paragraph 6 above, the application will be considered supplier-inactive and no further action on the application will be taken until the information is provided. If the requested information is not provided within a further 90 days, the application will lapse. OIP should notify the submitting Mission or United Nations agency in writing of any change in the status of the application.

8 – If UNMOVIC and/or IAEA determine that the application contains any item referred to in paragraph 24 of resolution 687 (1991) as it relates to military commodities and products, the application shall be considered ineligible for approval for the sale or supply to Iraq. UNMOVIC and/or IAEA will provide to the submitting Mission or United Nations agency through OIP a written explanation of this determination.

9 – If UNMOVIC and/or IAEA determine that the application contains any GRL item(s), they will immediately inform through OIP the submitting Mission or United Nations agency. Pursuant to paragraph 11 below, absent a request by the submitting Mission or United Nations agency for reconsideration within 10 working days, OIP will forward the application containing the GRL item(s) to the 661 Committee for the purpose of evaluating whether the GRL item(s) may be sold or supplied to Iraq. UNMOVIC and/or IAEA will provide to the 661 Committee through OIP a written explanation of this determination. In addition, OIP, UNMOVIC and/or IAEA, at the request of the submitting Mission or United Nations agency, will provide to the 661 Committee an assessment of the humanitarian, economic and security implications, of the approval or denial of the GRL item(s), including the viability of the whole contract in which the GRL item(s) appears and the risk of diversion of the item(s) for military purposes. The assessment provided by OIP to the Committee should be transmitted in parallel by OIP to the submitting Mission or United Nations agency. OIP will immediately inform appropriate United Nations agents of the finding of a GRL item(s) in the application and that the GRL item(s) may not be sold or supplied to Iraq unless otherwise notified by OIP that the procedures set forth in paragraphs 11 or 12 have resulted in approval for sale or supply of the GRL item(s) to Iraq. The remaining items in the application, which are determined as not covered by the GRL, will be considered approved for sale or supply to Iraq and, at the discretion of the submitting Mission or United Nations agency, and with the consent of the contracting parties, will be processed according to the procedure in paragraph 10 below. The relevant approval letter may be issued for such approved items under request from the submitting Mission or United Nations agency.

10 – If UNMOVIC and/or IAEA determine that the application does not contain any item referred to in paragraph 4 above, OIP will inform immediately the Government of Iraq and the submitting Mission or United Nations agency in written form. The exporter will be eligible for payment from the escrow account established pursuant to paragraph 7 of resolution 986 (1995) upon verification by United Nations agents that the items in the application have arrived in Iraq as contracted. OIP and the United Nations Treasury will inform the banks within five working days that the items in the application have arrived in Iraq.

11 – If the Mission or United Nations agency submitting an application disagrees with the determination that an application contains an item(s) covered by paragraph 24 of resolution 687 (1991) as it relates to military commodities and products, or military-related commodities or products covered by the GRL, it may request a reconsideration of this decision, based on the provision of technical information and/or explanations not previously included in the application, within 10 working days to OIP. In that event, UNMOVIC and/or IAEA will reconsider the item(s) in accordance with the procedures set out in paragraphs 4 to 6 above. The decision of UNMOVIC and/or IAEA will be final and no further reconsideration will be permitted. UNMOVIC and/or IAEA will provide to the 661 Committee through OIP a written explanation of the final decision of the reconsideration process. Applications shall not be forwarded to the 661 Committee until the reconsideration period has expired without a request being filed.

12 – Upon receipt of an application pursuant to paragraphs 9 or 11 above, the 661 Committee will have 10 working days to determine under existing procedures whether the item(s) may be sold or supplied to Iraq. The Committee may take a decision on an item(s) according to the following options: (a) Approval; (b) Approval subject to conditions as stipulated by the Committee; (c) Denial; (d) Request for additional information. Absent action by the Committee within the 10-working-day period, the application will be considered approved. A Committee member may request additional information. If the additional information is not provided in a 90-day period, the item(s) will be considered supplier-inactive and no further action on the application will be taken until the information is provided. If the requested information is not provided within a further 90 days, the application will be considered lapsed. OIP should notify the submitting Mission or United Nations agency in writing of any change in the status of the application. The Committee will have 20 working days to evaluate the requested additional information once provided by the submitting Mission or United Nations agency. Absent action by the Committee during the 20-working-day period, the item will be considered approved.

13 – Where the 661 Committee does not approve an item(s) for sale or supply to Iraq, the Committee will notify the submitting Mission or United Nations agency with an explanation through OIP accordingly. The submitting Mission or United Nations agency will have 30 working days to petition OIP to have the 661 Committee reconsider its decision based on new information not previously included in the application as reviewed by the 661 Committee. A decision by the 661 Committee on a petition received during this period shall be made within five working days and shall be considered final. Absent such a petition within 30 working days, the item will be considered ineligible for sale or supply to Iraq and OIP will notify the submitting Mission or United Nations agency accordingly.

14 – If an item(s) is found ineligible for sale or supply to Iraq or is considered lapsed, the supplier may submit a new application based on either a new or an amended contract, and the new application will be evaluated under the procedures enumerated in this document and will append the original application (for information purposes only and to facilitate review).

15 – If an item(s) is substituted for an item(s) that is either found ineligible for sale or supply to Iraq or is considered lapsed, the new item(s) will be submitted as a new application under the procedures enumerated in this document and will append the original application (for information purposes only and to facilitate review).

16 – Experts from OIP, UNMOVIC and IAEA who evaluate applications should be drawn from the broadest possible geographical base.

17 – The United Nations Secretariat will report to the 661 Committee at the end of each phase on the status of all applications submitted during this period, including contracts recirculated pursuant to paragraph 18 below. The Secretariat will provide to members of the 661 Committee at their request copies of applications approved by OIP, UNMOVIC and IAEA, within three working days after their approval, for information purposes only.

18 – OIP will divide contracts currently on hold into two categories — category A and category B. Category A will contain contracts on hold that have been designated by UNMOVIC as containing item(s) on one or more of the UNSCR resolution 1051 lists. Category A will also contain contracts that were both processed before the Security Council adopted UNSCR resolution 1284 and assessed by one or more members of the Sanctions Committee as containing item(s) on one or more of the UNSCR resolution 1051 lists. OIP will consider contracts in category A to be "returned to the submitting Mission or United Nations agency" and will notify the submitting Mission or United Nations agency accordingly, including national comments if possible. The submitting Mission or United Nations agency may submit a contract in category A as a new application under the GRL procedures. In category B will be all other contracts currently on hold. Contracts in category B will be recirculated by OIP under the GRL procedures. OIP will append the original committee registration number and national comments, for information purposes only, to any recirculated contracts. OIP should start this recirculation procedure within 60 days of adoption of this resolution and should complete the recirculation process within 60 days thereafter.

May 2002 - REVISED

SECURITY COUNCIL COMMITTEE ESTABLISHED BY RESOLUTION 661 (1990)
CONCERNING THE SITUATION BETWEEN IRAQ AND KUWAIT

NOTIFICATION OR REQUEST TO SHIP GOODS TO IRAQ

For further guidance regarding completion of application please consult OIP web site (www.un.org/Depts/oip/index)

(TO BE COMPLETED BY THE SECRETARIAT)

COMM. No.	REGISTRATION DATE	DATE RECEIVED BY UNMOVIC/IAEA (if applicable)	DATE SENT TO THE COMMITTEE (if applicable)

(TO BE COMPLETED BY PROSPECTIVE EXPORTING COUNTRY or INTERNATIONAL ORGANIZATION)

1. MISSION OR INTERNATIONAL ORGANIZATION	2. CERTIFYING SIGNATURE AND OFFICIAL SEAL
3. DATE OF SUBMISSION	4. MISSION REFERENCE No.

5. GOODS TO BE SHIPPED **(General description of the goods)**	6. NUMBER OF LINE ITEMS ON THE EXCEL FORM ATTACHMENT	7. TOTAL VALUE	8. CURRENCY ISO CODE

9. EXPORTER **Name:** **Address:** **Country:** **Phone/Fax/E-mail:**	10. ORIGIN of GOODS (if different from applicant State)
11. RECEIVING COMPANY/ORG. **Name:** **Address:** **Phone/Fax/E-mail:**	12. SHIPPING ARRANGEMENTS: **Select ONE Point of Entry into Iraq** ☐ Trebil ☐ Al Waleed ☐ Zakho ☐ Umm Qasr
13. END USER entity (if different from receiving company/org.) **Name:** **Address:** **Phone/Fax/E-mail:**	14. END USE Provide details of intended end-use. (attach additional sheets if necessary)

15. METHOD OF PAYMENT

☐ **From the Iraq Account in accordance with SC resolution 986 (1995)**
In this case, please fill out PAGE 2
(Relevant documentation including contract(s) must be attached)

☐ **By other arrangement** (in this case, disregard page 2)

16. ADDITIONAL INFORMATION:
(Attach additional sheet if necessary)

IF THIS NOTIFICATION OR REQUEST TO SHIP GOODS TO IRAQ IS TO BE PAID FROM THE IRAQ ACCOUNT IN ACCORDANCE WITH SC RESOLUTION 986 (1995) PLEASE FILL OUT THESE ADDITIONAL BOXES

(see box 15 on page 1)

MISSION REFERENCE No. :

17. IDENTICAL GOODS PREVIOUSLY SUBMITTED:

Indicate whether or not you have previously submitted an application(s) for IDENTICAL goods.

☐ **YES** ☐ **NO** ☐ **UNABLE TO DETERMINE**

If **YES** provide Comm. number reference(s) with respective item number(s).

18. DETAILED LIST OF GOODS:

Indicate whether or not the scope of supply includes any spare parts, accessories, sets, kits, tool boxes, tools, equipment, special tools, lots or consumables.

☐ **YES** ☐ **NO**

If **YES** indicate whether or not all components of the spare parts, accessories, sets, kits, tool boxes, tools, equipment, special tools, lots or consumables have been listed as separate line items with the relevant description, quantity and price on the attached Excel form application.

☐ **YES** ☐ **NO** (in this case, the document will not be registered by the Secretariat)

19. TECHNICAL INFORMATION:

Indicate whether or not the scope of supply includes (separately or as part of larger item) any of the goods and/or technology specified on the OIP web site (www.un.org/Depts/oip/cpmd/delays)

☐ **YES** ☐ **NO**

If **YES** indicate whether or not the relevant technical specification form for each item has been completed and attached to the application.

☐ **YES** ☐ **NO**

20. GRL RELATED ITEM(S) AND/OR TECHNOLOGY:

Indicate whether or not the scope of supply includes any item included in the Goods Review List (GRL). The GRL may be accessed via the OIP web site (www.un.org/Depts/oip…).

☐ **YES** ☐ **NO** ☐ **UNABLE TO DETERMINE**

If YES indicate below the line item number and description as from the Excel sheet of these goods considered to be included on the GRL.

Line Item No.

Description

GRL Ref. No.

(attach additional sheets if necessary)

IMPORTANT NOTICE

The following attachments are compulsory

1) **Excel form application listing IN DETAIL all goods (including all spare parts, accessories …) + diskette**
2) **Contract signed by both parties with all attachments, enclosures and annexes**
3) **All relevant documentations and/or technical specifications of the goods (e.g. brochures, pictures, diagrams, chemical composition, material composition, etc.)**

For further guidance regarding completion of application please consult OIP web site (www.un.org/Depts/oip/index)